

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 20-cr-20599
Hon. Matthew F. Leitman

v.

JOHN ANGELO, *et al.*,

Defendants.

/

**ORDER GRANTING GOVERNMENT'S MOTION REQUESTING
AUTHORIZATION FOR RULE 15 DEPOSITION (ECF No. 105)**

Currently pending before the Court is the Government's motion under Federal Rule of Criminal Procedure 15 for authorization to take the deposition of a witness identified in the record as "Individual E." (See Mot., ECF No. 105.) The Court held a hearing on the motion on March 29, 2022. For the reasons stated on the record during the motion hearing, the Court found that exceptional circumstances existed to allow the Government to take Individual E's deposition and that allowing the deposition of Individual E was in the interest of justice. *See* Fed. Rule. Crim. Proc. 15(a). Accordingly, the Government's motion to take Individual E's deposition (ECF No. 105) is **GRANTED** under the following conditions that were explained on the record:

- The deposition shall take place in August 2022 at a date and time convenient for all counsel in this case. The deposition shall take place in person at a location at which Individual E agrees to appear. The Government shall pay the travel expenses of any Defendant and defense counsel who wishes to appear in person for the deposition so long as the Defendant and/or defense counsel coordinates his or her travel planning in conjunction with a Government representative designated by Government counsel in this case. The Government shall also arrange for a live video feed of the deposition to be available for any Defendant and/or defense counsel who wishes to view and/or participate in the deposition virtually;
- No later than four weeks prior to the date of the deposition, the Government shall produce to Defendants all Rule 16 materials and all exculpatory materials;
- No later than four weeks prior to the date of the deposition, the Government shall produce to Defendants all impeachment materials related to Individual E and any *Jencks* materials related to Individual E; and
- No later than two weeks prior to the date of the deposition, the Government shall produce to Defendants a trial exhibit list for Counts II, III, IV, and V of the First Superseding Indictment. The Government shall only be able to amend this exhibit list for trial upon the showing of good cause.

This order does not address the question of whether the deposition transcript shall be admissible at trial. All parties reserve all rights to make any arguments with respect to admissibility (or the lack thereof) of the transcript when (or if) the Government seeks to introduce the transcript as evidence at trial.

IT IS SO ORDERED.

s/Matthew F. Leitman

MATTHEW F. LEITMAN

UNITED STATES DISTRICT JUDGE

Dated: March 29, 2022

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 29, 2022, by electronic means and/or ordinary mail.

s/Holly A. Ryan
Case Manager
(313) 234-5126